

What You Need to Know About Bill 120

Ontario's Residents' Rights Act

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Information for Care Home Landlords



ISBN: 0-7778-3205-4

Disponible en français :

*Les Maisons de Soins – Renseignements a
l'intention des explicitants de maisons de soins*

ISBN : 0-7778-3207-0



What is Bill 120?

Bill 120, the Residents' Rights Act, is a new law in Ontario. It extends full tenant protection to the approximately 47,000 residents of care homes in the province. This new law means that care homes are now covered under the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act.

**On August 22, 1994, the
Care Homes provisions
of Bill 120 became law.**



How do I know if my care home is affected?

A care home is accommodation where people receive some type of care service such as health care, rehabilitative or therapeutic services, or assistance with daily living. Care homes include unlicensed nursing homes, rest homes, retirement residences, homes for special care, group homes, rooming and boarding homes that provide care services, and private non-profit charitable institutions.

If you are not sure whether the care home you operate is affected, call your area Ministry of Housing Rent Control Office for assistance. The phone numbers are listed at the back of this brochure.

Do I need to register my care home?

Yes, you will have to register your care home with the Ontario Rent Registry, located at Rent Control Offices across the province.

Care home operators must supply the following information to the Ontario Rent Registry:

- a statement of care home information which includes total amount charged for rent, care services, meals, number of units and number of residents living in the care home.

The government will begin the registration process in early 1995.

Now that my care home is covered under the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act, what do I need to know?

Landlord and Tenant Act

Care homes are now covered by the Landlord and Tenant Act. The Act applies to care home landlords and residents, as it does for most others in Ontario. It will provide residents with “security of tenure,” which means care home tenants can only be evicted if it is for one of the reasons set out in the Act. When a resident is evicted, the procedures in the Act must be followed.

In addition, residents will be assured of privacy where they live. Entry into a resident’s unit is only allowed under certain circumstances. An operator will be able to enter a resident’s home -

- in the case of an emergency
- when consent is given by the resident for immediate entry

The landlord can also enter the tenant’s home if the tenancy agreement states that -

- the landlord can enter when 24 hours’ notice is given in writing
- the unit is to be cleaned on a regular basis
- the unit can be shown to prospective tenants, after a notice of termination has been given by the current tenant

The Landlord and Tenant Act now applies to care homes.

Tenancy Agreement

One of the new provisions in the Landlord and Tenant Act states that a written tenancy agreement is required between landlords and tenants of care homes. This agreement must outline all details on the care services and accommodation that will be provided.

In addition, prospective residents have the right to consult a third party (such as a family member or lawyer) about the agreement, and can cancel the agreement, in writing, within five days.

After the tenant signs tenancy agreement, the landlord must provide a copy to the tenant within 21 days.

Evictions

Operators of care homes who wish to evict a resident must do so according to the reasons stated in the Landlord and Tenant Act. The Act states that a landlord can evict a tenant before the end of the term if the tenant doesn't pay the rent. Other reasons for eviction include situations where a care home resident's safety is seriously impaired by another resident, a resident disturbs the enjoyment of the premises by other residents or the landlord, or a resident does something illegal. Violation of some of the house rules that are typically established by supportive housing programs may often meet one or more of these eviction grounds, and may then be used to evict difficult tenants.

In cases other than late payment of rent or termination at the end of the term of the tenancy, the operator must give 20 days' notice to the tenant before evicting. The tenant then has seven days to correct the problem. If the problem is not corrected, the operator can apply for a court order to permit eviction. This 20-day notice rule also applies if the tenant is doing something illegal, or misrepresents their income in public housing, but in these situations the operator may immediately apply for a court order to evict the tenant.

Rent Control Act

Landlords and tenants of care homes now have rights and obligations under the Rent Control Act. For example, these provisions of the Act will now apply to the *accommodation portion* of the amount charged by the landlord to the tenant:

- the rules about rent
 - ~ the landlord will not be able to increase the rent more than once every 12 months
 - ~ 90 days' notice must be given to the tenant before charging a rent increase
- the rent control guideline
 - ~ the maximum rent charged to the tenant cannot exceed the rent control guideline
 - ~ if the landlord applies for an increase above the guideline, the increase to the rent will not be more than three per cent

Care home landlords and tenants are able to file applications for rent increases or decreases under the Act, in the same way as do landlords and tenants of other residential complexes.

In addition, landlord will have to comply with the maintenance and standards provisions in the Act. Care homes must be in good repair, and follow standards set by the municipality or the province.

The Rent Control Act applies to care homes as of November 23, 1993. This is the date the Residents' Rights Act received first reading in the Ontario legislature.

Rental Housing Protection Act

Care homes are also now subject to the Rental Housing Protection Act. This means that, in all cases, operators must get municipal approval before converting a care home into another kind of facility. In larger municipalities (those with a population of 50,000 or more), an operator must get permission from the municipality before converting a residential rental building into a care home.

This Act protects the province's supply of care homes.

The Rental Housing Protection Act now applies to care homes.

You are responsible for becoming familiar with these laws, as are other landlords across the province. If you need more information, you can call your area Rent Control Office.

Are there any other special provisions under Bill 120 for care homes?

Operators are required to provide a *care home information package* to all tenants. This information package will supply complete details on the care services and meals it provides and the charges for these care services and meals. The care home information package is intended to enable residents and their families to make informed decisions.

Care home operators are also required to give 90 days' notice before increasing charges for the *care services or meals portion* of the costs paid by residents.

Is it my responsibility to let residents know about these new changes?

Yes. Care home operators will play a major role in letting residents know about this new law. It is in the best interests of both the care home operator and the resident to be fully informed so that the home can operate smoothly.

How do I find out more about my rights and responsibilities?

To obtain more information on the Residents' Rights Act, please contact your area Rent Control Office. Materials on the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act are also available.

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For more information

If you want more detailed information about how the Residents' Rights Act affects you, please call your area Rent Control office:

Barrie

(705) 737-2111

Toll-free: 1-800-461-2882

Hamilton

(905) 528-8701

Toll-free: 1-800-668-9565

Kingston

(613) 548-6770

Toll-free: 1-800-263-6092

Kitchener

(519) 579-5790

Toll-free: 1-800-265-8926

London

(519) 679-7270

Toll-free: 1-800-265-0937

North Bay

(705) 476-1231

Toll-free: 1-800-463-4815

Oshawa

(905) 723-8135

Toll-free: 1-800-461-0837

Ottawa

(613) 230-5114

Toll-free: 1-800-263-8957

Owen Sound

(519) 376-3202

Toll-free: 1-800-265-3737

Peterborough

(705) 743-9511

Toll-free: 1-800-461-0255

St. Catharines

(905) 684-6562

Toll-free: 1-800-263-4937

Sudbury

(705) 675-4373

Toll-free: 1-800-461-9909

Thunder Bay

(807) 475-1595

Toll-free: 1-800-267-0898

Timmins

(705) 264-9555

Toll-free: 1-800-461-5851

Toronto

(416) 326-9800

Etobicoke – City of York

(416) 314-0780

Mississauga

(905) 270-3280

Toll-free: Zenith 9-6000

North York

(416) 314-9550

Scarborough – East York

(416) 314-8640

Windsor

(519) 253-3532

Toll-free: 1-800-265-6924

If you want more copies of this document, please call the Ministry of Housing's customer assistance line at: (416) 585-7041



Ontario

Ministry of Housing